

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
WORCESTER DIVISION

---

DONALD P. SPEAKMAN, STEPHEN H.	§	
WEDEL and MARK L. ROBARE,	§	
Individually and On Behalf of All Others	§	
Similarly Situated,	§	
	§	
Plaintiffs,	§	
	§	Civil Action No. 4:04-cv-40077-FDS
v.	§	
	§	
ALLMERICA FINANCIAL LIFE INS. &	§	
ANNUITY CO., FIRST ALLMERICA	§	
FINANCIAL LIFE INS. CO. and	§	
ALLMERICA FINANCIAL CORP.	§	
	§	
Defendants	§	

---

**PLAINTIFFS' MOTION FOR LEAVE TO FILE**  
**REPLY MEMORANDUM IN SUPPORT OF PLAINTIFFS'**  
**MOTION FOR PROTECTIVE ORDER CONCERNING THE**  
**SCHEDULING OF PLAINTIFFS' DEPOSITIONS**

Now come Plaintiffs and move this Court for leave to file the attached Reply Memorandum in Support of Plaintiffs' Motion for Protective Order Concerning the Scheduling of Plaintiffs' Depositions. In support thereof, Plaintiffs state that the additional matter contained in the Reply Memorandum will aid the Court in its adjudication of the pending Motion.

Dated September 20, 2005.

Respectfully submitted,

**MOULTON & GANS, P.C.**

By: /s/ Nancy Freeman Gans

Nancy Freeman Gans, BBO No. 184540  
33 Broad Street, Suite 1100  
Boston, Massachusetts 02109-4216  
Telephone: (617) 369-7979  
Facsimile: (617) 369-7980

Stephen L. Hubbard  
Robert W. Biederman  
BBO No. 562279  
**HUBBARD & BIEDERMAN, LLP**  
1717 Main Street, Suite 4700  
Dallas, Texas 75201  
Telephone: (214) 857-6000  
Facsimile: (214) 857-6001

***ATTORNEYS FOR PLAINTIFFS***

**LOCAL RULE 7.1(A)(2) CERTIFICATE**

I, Nancy Freeman Gans, Esquire, Moulton & Gans, P.C., counsel for Plaintiffs, hereby certify that on September 20, 2005, I tried to reach Jonathan A. Shapiro, Esquire, and Eric Levin, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants, by telephone, regarding the within Motion in a good faith attempt to resolve or narrow the issues. Both are traveling and cannot be timely reached, so defendants have taken no position with respect to this Motion.

/s/ Nancy Freeman Gans  
Nancy Freeman Gans

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by facsimile and first class mail on this the 20th day of September, 2005, to the following attorneys for defendants:

Jonathan A. Shapiro  
**WILMER CUTLER PICKERING  
HALE and DORR LLP**  
60 State Street  
Boston, MA 02109  
(617) 526-5000 fax

Brian E. Whiteley, Esq.  
C. Alex Hahn, Esq.  
**SCIBELLI, WHITELEY and  
STANGANELLI, LLP**  
50 Federal Street, Fifth Floor  
Boston, MA 02110  
(617) 722-6003 fax

/s/ Nancy Freeman Gans  
Nancy Freeman Gans